
Santa Ana Regional Water Quality Control Board

August 18, 2014

Mr. John Weststeyn
John Weststeyn Cattle
8300 Pine Avenue
Chino, CA 91710

NOTICE OF VIOLATION – FAILURE TO MAINTAIN WASTEWATER CONTAINMENT STRUCTURES FOR JOHN WESTSTEYN CATTLE, LOCATED AT 8300 PINE AVENUE, CHINO

Mr. Weststeyn:

Currently, the referenced facility is enrolled under the Regional Board's General Dairy permit, Order No. R8-2013-0001. As Regional Board staff understands your situation, you lease a portion of the same facility that is utilized by Falloncrest Farms LLC (also a dairy operation enrolled under the General Dairy Permit) at the referenced address. The Permit requires dairy operators to design, construct, and maintain containment structures to retain all wastewater within the facility. The Permit also requires dairy operators to develop and implement an Engineered Waste Management Plan (EWMP). An EWMP for the referenced facility was accepted on November 7, 2012. The Operation and Maintenance section in the EWMP states that removal and disposal of accumulated waste solids must be accomplished on a routine basis.

On August 5, 2014, Regional Board staff conducted an inspection of the referenced facility. During the inspection, staff observed approximately two feet of wastewater freeboard in Basin 1. Basin 1 had extensive accumulation of waste solids and vegetation floating on surface of the wastewater pond. The spillway, located in the west berm of Basin 1, had manure, soil and concrete rubble placed across the spillway opening. The west berm also had additional manure and soil with other unconsolidated material placed on the berm. Basin 1 and Basin 2 did not have pond markers installed. The lack of maintenance and appearance of Basin 1 and the western berm and spillway was the same as observed on December 21, 2010 with the exception that the floating manure solids and vegetation was more widespread on August 5, 2014.

On February 3, 2011, the Regional Board issued a Notice of Violation (NOV) to you for a discharge of wastewater for failure to conduct proper maintenance of the wastewater containment basins and berms, and for failure to install pond markers. The NOV was issued to you, as well as to Falloncrest Farms LLC, because you utilize a portion of the

faciliy's wastewater storage capacity for manured runoff that originates from the portion of the facility you occupy. The Notice of Violation requested maintenance for the wastewater basins and berms be performed immediately, and the installation of depth markers. Basin maintenance for this facility includes, but is not limited to, removing all manure solids and vegetation from Basin 1 and Basin 2, removing vegetation from the berms associated with the basins, removing all unconsolidated material (manure and soil, concrete rubble, etc.) from berms and spillways, performing rodent control for burrowing animals in berms, and ensuring Basin 1 meets the design specifications as noted in the EWMP and on the EWMP site plan. Based on the August 5, 2014 inspection, the Regional Board has determined that non-compliance with the requirements of the General Dairy Permit has been occurring since February 3, 2011.

Violations of Order No. 2013-0001 are subject to the imposition of administrative civil liability penalties in accordance with the California Water Code, Section 13385 in an amount not to exceed \$10,000 per day for each day the violation occurs. Therefore, the Regional Board is requesting immediate action to submit in writing to the Regional Board a proposed schedule to bring the facility's wastewater storage ponds into compliance with the General Dairy Permit prior to this fall/winter rain storms. Your failure to comply will compel the Regional Board to initiate a formal enforcement action against you and Falloncrest Farms LLC.

Should you have any questions, please contact me at (951) 782-4992 (smayville@waterboards.ca.gov) or Edward Kashak at (951) 782-3292 (ekashak@waterboards.ca.gov).

Sincerely,



Stephen D. Mayville
Chief, Enforcement and Dairy Unit

cc: Jim Griffin, Western United Dairymen, Bakersfield
Robert Vandenheuvel, Milk Producers Council
Pat Boldt, Milk Producers Council
Orange County Coastkeeper
Lawyers for Clean Water
Min-Le Cheng, West Valley Mosquito & Vector Control District
Northwest Mosquito & Vector Control District
Colin A. Kelly, Inland Empire Waterkeeper
Ken Greenberg, USEPA, Region 9
Ron Pietersma, Falloncrest Farms LLC